IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1717 OF 2005

The State of Maharashtra ...Applicant

vs.

Mahadev Kondiba Kumbhar and others ...Respondents

Mr.Rajesh More, A.P.P.for the Applicant
Mr.P.D.Dalvi for Respondent nos.1,2 and 4.

CORAM: A.S.OKA,J.
DATE : OCTOBER 16,2006.

P.C.:

1. Heard learned A.P.P. for the Applicant and the learned Counsel for the Respondent Nos.1,2 and 4. The acquittal of the Respondent is for offences punishable under sections 498-A, 326 read with section 34 of the Indian Penal Code.

2. After having heard the Advocates for the parties, I find that no case is made out for grant of leave.

3. It is brought on record in the evidence of P.W.No.2 that there was a settlement between the parties and as per the settlement the deceased Manisha started cohabiting with the husband. The finding of the Trial Court is that there was no evidence on record that after the settlement there was any harassment to the deceased Manisha at the hands of the accused persons. Only evidence in that behalf was of P.W.no.2 who stated that after the settlement Manisha used to inform him about the ill-treatment by giving a ring at the house of one Vithal. It must be noted here that the said witness has not

been examined by the prosecution.

4. Considering the evidence of P.W.Nos.2 and 3, the learned Trial Judge has recorded a finding that there was no abetment. The view taken by the Trial Judge is a possible view which could have been taken on the basis of evidence on record. No case is made out for grant of leave to prefer an Appeal.

Application is rejected.

JUDGE